



Item: AS: A-1

COMMITTEE ON ACADEMIC AND STUDENT AFFAIRS

Tuesday, February 4, 2025

SUBJECT: REQUEST FOR APPROVAL TO SEEK NEW INSTITUTIONAL ACCREDITOR

PROPOSED BOARD ACTION

Request authorization to seek approval from the United States Department of Education to apply for membership to the Higher Learning Commission.

BACKGROUND INFORMATION

In 2020, federal regulations removed the geographic restrictions associated with accreditation of higher education institutions. As a result, institutions are now permitted to seek accreditation from outside their region from a federally recognized institutional accreditor. In addition to the Southern Association of Schools and Colleges Commission on Colleges (SACSCOC), there are seven federally recognized institutional accreditors.

Consistent with the change in federal regulations, in 2022, the Florida Legislature removed the requirement that all Florida institutions of higher education were, by statute and/or regulation, required to be accredited by SACSCOC. State law requires that once an institution completes its decennial reaffirmation with SACSCOC, the institution must seek membership with another accreditor.

SACSCOC reaffirmed the accreditation of Florida Atlantic University in December 2024 for a ten-year period, allowing the institution to begin the process of seeking another institutional accreditor.

The process for changing institutional accreditation agencies begins with approval by the FAU Board of Trustees. Then, the institution submits a formal request to the USDE, which indicates the voluntary nature of the change, demonstrates reasonable cause for the change, and explains how the change will strengthen the university and benefit students. If approved by the USDE, the institution will begin the application and candidacy process with the Higher Learning Commission (HLC), one of the five agencies identified by the Florida Board of Governors (FLBOG) as suitable new accrediting agencies for institutions in the State University System of Florida.

The benefits in switching to HLC include:

1. HLC membership includes more public institutions in the American Association of

Universities (AAU) and ranked in the top of the U.S. News and World Report than any other accrediting body, which expands the peer reviewers evaluating FAU

2. HLC has a strong shared governance process in which member institutions actively engage in the development and vetting of policies and standards
3. HLC has the administrative infrastructure to accept new members, has offered accreditation workshops and meetings for potential member institutions, and has provided resources to facilitate the process

The time frame for changing institutional accreditors is dependent on several factors, including the length of time that it takes for the USDE approval (typically one year), the preparation and submission of materials by the institution, and the subsequent review by HLC staff and peer reviewers (typically one year). The institution will be required to maintain compliance with the SACSCOC policies and standards and also ensure compliance with the HLC policies and standards.

Supporting Documentation:

1. Code of Federal Regulations 34 CFR 600.11
2. s. 1008.47, Florida Statutes (Postsecondary Education Institution Accreditation)
3. Board of Governors Regulation 3.006 (Accreditation)

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Title 34 — Education

Subtitle B — Regulations of the Offices of the Department of Education

Chapter VI — Office of Postsecondary Education, Department of Education

Part 600 — Institutional Eligibility Under the Higher Education Act of 1965, as Amended

Subpart A — General

Source: 59 FR 22336, Apr. 29, 1994, unless otherwise noted.

Authority: 20 U.S.C. 1001, 1002, 1003, 1088, 1091, 1094, 1099b, and 1099c, unless otherwise noted.

Source: 53 FR 11210, Apr. 5, 1988, unless otherwise noted.

§ 600.11 Special rules regarding institutional accreditation or preaccreditation.

(a) *Change of accrediting agencies.*

- (1) For purposes of §§ 600.4(a)(5)(i), 600.5(a)(6), and 600.6(a)(5)(i), the Secretary does not recognize the accreditation or preaccreditation of an otherwise eligible institution if that institution is in the process of changing its accrediting agency, unless the institution provides the following to the Secretary and receives approval:
 - (i) All materials related to its prior accreditation or preaccreditation.
 - (ii) Materials demonstrating reasonable cause for changing its accrediting agency. The Secretary will not determine such cause to be reasonable if the institution—
 - (A) Has had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months, unless such withdrawal, revocation, or termination has been rescinded by the same accrediting agency; or
 - (B) Has been subject to a probation or equivalent, show cause order, or suspension order during the preceding 24 months.
- (2) Notwithstanding paragraph (a)(1)(ii) of this section, the Secretary may determine the institution's cause for changing its accrediting agency to be reasonable if the agency did not provide the institution its due process rights as defined in § 602.25, the agency applied its standards and criteria inconsistently, or if the adverse action or show cause or suspension order was the result of an agency's failure to respect an institution's stated mission, including religious mission.

- (b) **Multiple accreditation.** The Secretary does not recognize the accreditation or preaccreditation of an otherwise eligible institution if that institution is accredited or preaccredited as an institution by more than one accrediting agency, unless the institution—
- (1) Provides to each such accrediting agency and the Secretary the reasons for that multiple accreditation or preaccreditation;
 - (2) Demonstrates to the Secretary reasonable cause for that multiple accreditation or preaccreditation.
 - (i) The Secretary determines the institution's cause for multiple accreditation to be reasonable unless the institution—

- (A) Has had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months, unless such withdrawal, revocation, or termination has been rescinded by the same accrediting agency; or
 - (B) Has been subject to a probation or equivalent, show cause order, or suspension order during the preceding 24 months.
- (ii) Notwithstanding paragraphs (b)(2)(i)(A) and (B) of this section, the Secretary may determine the institution's cause for seeking multiple accreditation or preaccreditation to be reasonable if the institution's primary interest in seeking multiple accreditation is based on that agency's geographic area, program-area focus, or mission; and
- (3) Designates to the Secretary which agency's accreditation or preaccreditation the institution uses to establish its eligibility under this part.

(c) *Loss of accreditation or preaccreditation.*

- (1) An institution may not be considered eligible for 24 months after it has had its accreditation or preaccreditation withdrawn, revoked, or otherwise terminated for cause, unless the accrediting agency that took that action rescinds that action.
- (2) An institution may not be considered eligible for 24 months after it has withdrawn voluntarily from its accreditation or preaccreditation status under a show-cause or suspension order issued by an accrediting agency, unless that agency rescinds its order.

(d) *Religious exception.*

- (1) If an otherwise eligible institution loses its accreditation or preaccreditation, the Secretary considers the institution to be accredited or preaccredited for purposes of complying with the provisions of §§ 600.4, 600.5, and 600.6 if the Secretary determines that its loss of accreditation or preaccreditation—
 - (i) Is related to the religious mission or affiliation of the institution; and
 - (ii) Is not related to its failure to satisfy the accrediting agency's standards.
- (2) If the Secretary considers an unaccredited institution to be accredited or preaccredited under the provisions of paragraph (d)(1) of this section, the Secretary will consider that unaccredited institution to be accredited or preaccredited for a period sufficient to allow the institution to obtain alternative accreditation or preaccreditation, except that period may not exceed 18 months.

(Authority: 20 U.S.C. 1099b)

[59 FR 22336, Apr. 29, 1994, as amended at 85 FR 58916, Nov. 1, 2019]

The 2024 Florida Statutes

1008.47 Postsecondary education institution accreditation.—

(1) **DEFINITION.**—As used in this section, the term “postsecondary education institution” means a Florida College System institution, state university, or nonpublic postsecondary education institution that receives state funds.

(2) **ACCREDITATION.**—

(a) By September 1, 2022, the Board of Governors or the State Board of Education, as applicable, shall identify and determine the accrediting agencies or associations best suited to serve as an accreditor for public postsecondary institutions. Such accrediting agencies or associations must be recognized by the database created and maintained by the United States Department of Education. In the year following reaffirmation or fifth-year review by its accrediting agencies or associations, each public postsecondary institution must seek and obtain accreditation from an accrediting agency or association identified by the Board of Governors or State Board of Education, respectively, before its next reaffirmation or fifth-year review date. The requirements in this section are limited to a one-time change in accreditation. The requirements of this subsection are not applicable to those professional, graduate, departmental, or certificate programs at public postsecondary institutions that have specific accreditation requirements or best practices, including, but not limited to, law, pharmacy, engineering, or other similarly situated educational programs.

(b) Once a public postsecondary institution is required to seek and obtain accreditation from an agency or association identified pursuant to paragraph (a), the institution shall seek accreditation from a regional accrediting agency or association and provide quarterly reports of its progress to the Board of Governors or State Board of Education, as applicable. If each regional accreditation agency or association identified pursuant to paragraph (a) has refused to grant candidacy status to an institution, the institution must seek and obtain accreditation from any accrediting agency or association that is different from its current accrediting agency or association and is recognized by the database created and maintained by the United States Department of Education. If a public postsecondary institution is not granted candidacy status before its next reaffirmation or fifth-year review date, the institution may remain with its current accrediting agency or association.

(c) This subsection expires December 31, 2032.

(3) **PROHIBITION.**—An accrediting agency or association may not compel any public postsecondary institution to violate state law, and any adverse action upon the institution based upon the institution’s compliance with state law constitutes a violation of this section that may be enforced through subsection (4), except to the extent that state law is preempted by a federal law that recognizes the necessity of the accreditation standard or requirement.

(4) **CAUSE OF ACTION.**—A postsecondary education institution negatively impacted by retaliatory or adverse action taken against the postsecondary education institution by an accrediting agency or association may bring an action against the accrediting agency or association in a court of competent jurisdiction and may obtain liquidated damages in the amount of federal financial aid received by the postsecondary education institution, court costs, and reasonable attorney fees.

(5) **EXPIRATION.**—This section expires December 31, 2032.

3.006 Accreditation.

- (1) Each university board of trustees shall develop policies on accreditation that are consistent with the mission of the institution and Board of Governors' guidelines.
- (2) Regional accreditation
 - (a) Each institution shall seek and take action to maintain regional accreditation with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
 - (b) Each president shall immediately inform the Chancellor upon verbal or written notification of any visit scheduled or any action taken by SACSCOC related to the institution's compliance certification or interim report.
 - (c) Each institution shall provide a copy of the certification letter for initial accreditation or accreditation reaffirmation to the Board of Governors immediately upon receipt from SACSCOC.
 - (d) Upon request, an institution shall provide the Office of the Board of Governors with a copy of any institution response to SACSCOC.
- (3) Discipline-Specific Accreditation
 - (a) Each institution is encouraged to seek and take action to maintain national or discipline-specific accreditation for its colleges, schools, and academic programs for which there are established standards for programmatic accreditation.
 - (b) Discipline-specific accreditation is required for academic programs in which graduation from an accredited program is a prerequisite to achieving licensure or certification for professional practice.
 - (c) Each institution must provide immediate notification to the Office of the Board of Governors when an accredited academic program is placed on warning or probation, or when the accreditation status is revoked by a discipline-specific accrediting body. The notification must include a report of any adverse accreditation findings provided by the discipline-specific accrediting body that outline the basis for the change in accreditation status.
- (4) Each institution shall submit annually the State University System Accreditation Survey to the Office of the Board of Governors.

Authority: Section 7(d), Art. IX, Fla. Const. History – Formerly 6C-2.57 and 6C-3.06, 11-18-70, 12-17-74, 8-11-85, Amended and Renumbered 1-29-09, Amended 1-22-15.